

C. REMARKS

Applicants respectfully request reconsideration of the outstanding rejections and reexamination of the present application in light of the following amendments and remarks.

Status of the Claims and Right to Further Pursue Claims

Claims 1, 3, 6-9, 11, 14-17, 19, and 22-24 are currently pending in the application. Claims 2, 4, 10, 12, 18, and 20 are current cancelled from further consideration in this application. Applicants are not conceding in this application that claims 2, 4, 10, 12, 18, and 20 as previously presented are not patentable over the art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious appeal of the remaining claims. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Entry of Amendment after Final to Cancel Dependent Claims

Applicants respectfully request entry of the cancellation of claims 2, 4, 10, 12, 18, and 20 under 37 CFR 1.116, and in particular under 37 CFR 1.116 (b)(1), which allows that “an amendment may be made canceling claims or complying with any requirement of form set forth in a previous Office Action” after a final rejection.

In particular, the Final Office Action rejects claims 2, 4, 10, 12, 18, and 20, under 35 USC 112, second paragraph. Regardless of whether the rejection of claims 2, 4, 10, 12, 18, and 20 under 35 USC 112, second paragraph is correct, Applicants cancel claims 2, 4, 10, 12, 18, and 20 in this amendment after final. [Final Office Action, p. 4] As a result, claims 1, 3, 7-9, 11, 15-17, 19, 23, and 24 remain pending in the application. Claims 1, 3, 7-9, 11, 15-17, 19, 23, and 24 are rejected in the Final Office Action under 35 USC 103(a) as unpatentable over Hursey et al. (US Publication 2003/0023875) in view of Smithson (US Patent 6,898,715). [Final Office Action, p. 5] Applicants respectfully assert that claims 1, 3, 7-9, 11, 15-17, 19, 23, and 24 are

patentable over Hursey and Smithson as will be further described in an appeal brief filed in the present application.

Conclusion

Applicants have amended the claims so that only claims rejected under 35 USC 103(a) remain pending in the application. In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

No extension of time is believed to be necessary. If, however, an extension of time is required, the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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